



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,939	06/20/2003	Jeffrey P. Whittemore	ZIP-0007	9441

7590 06/27/2005
Mills & Onello, LLP
Suite 605
Eleven Beacon Street
Boston, MA 02108

EXAMINER

CHAN, KO HUNG

ART UNIT PAPER NUMBER

3632

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/600,939	Applicant(s) WHITTEMORE ET AL.	
	Examiner Korie H. Chan	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41,43-66 is/are pending in the application.
- 4a) Of the above claim(s) 12,13,18,21,29,40,44,54 and 66 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 65 is/are allowed.
- 6) ☒ Claim(s) 1- 5, 11, 14-17, 19, 20, 22-28, 30-33, 39, 43, 45, 46,51- 53, 55-57, and 62-64 is/are rejected.
- 7) ☒ Claim(s) 6-10,34-38,41,47-50 and 58-61 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Regarding claims 18, 29, 54, and 66 which was rejected previously under 35 USC 112, first paragraph, examiner accepts applicant's explanation that those claims reads on the embodiment of figure 11 and withdraws the 35 U.S.C. 112 , first paragraph rejection. However, since they do not read on the elected specie of figures 1-7, it is consequently withdrawn from consideration as well.

In summary, claims 12, 13, 18, 21, 29, 40, 44, 54, and 66 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 9/24/2004

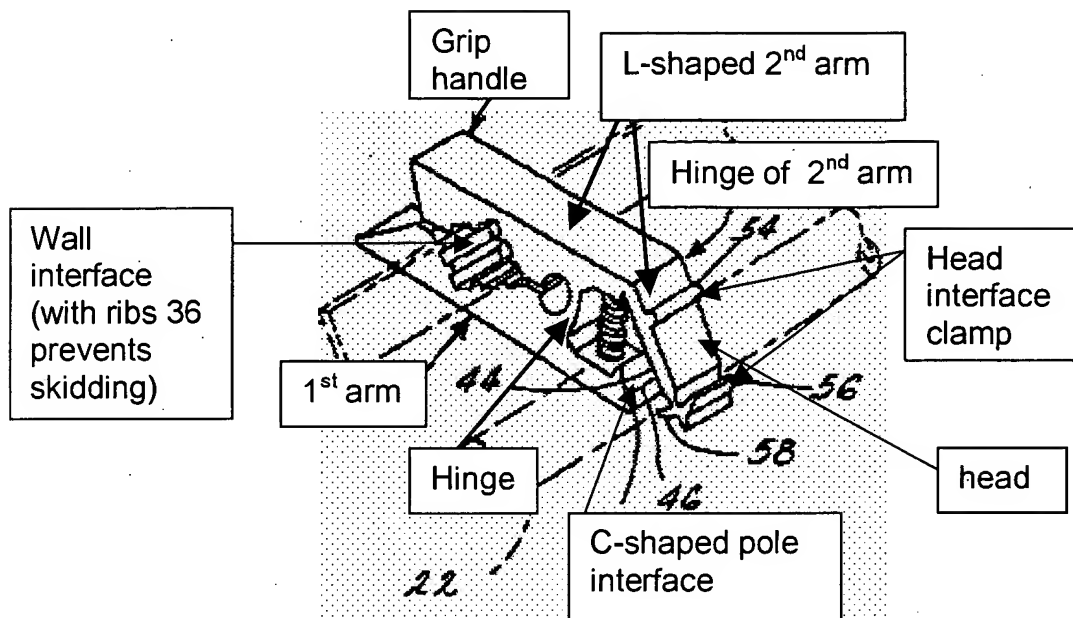
The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Claim 43 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 43 depends from cancelled claim 42.

Claim Rejections - 35 USC § 102

Claims 1-3, 5, 11, 14, 17, 19, 20, 22-25, 28, 30, 31, 33, 39, 43, 45, 46, 53, 55-57, and 62-64 stand rejected under 35 U.S.C. 102(b) as being anticipated by Walker (US patent no. 5,715,620) as illustrated in the previous Office Action.

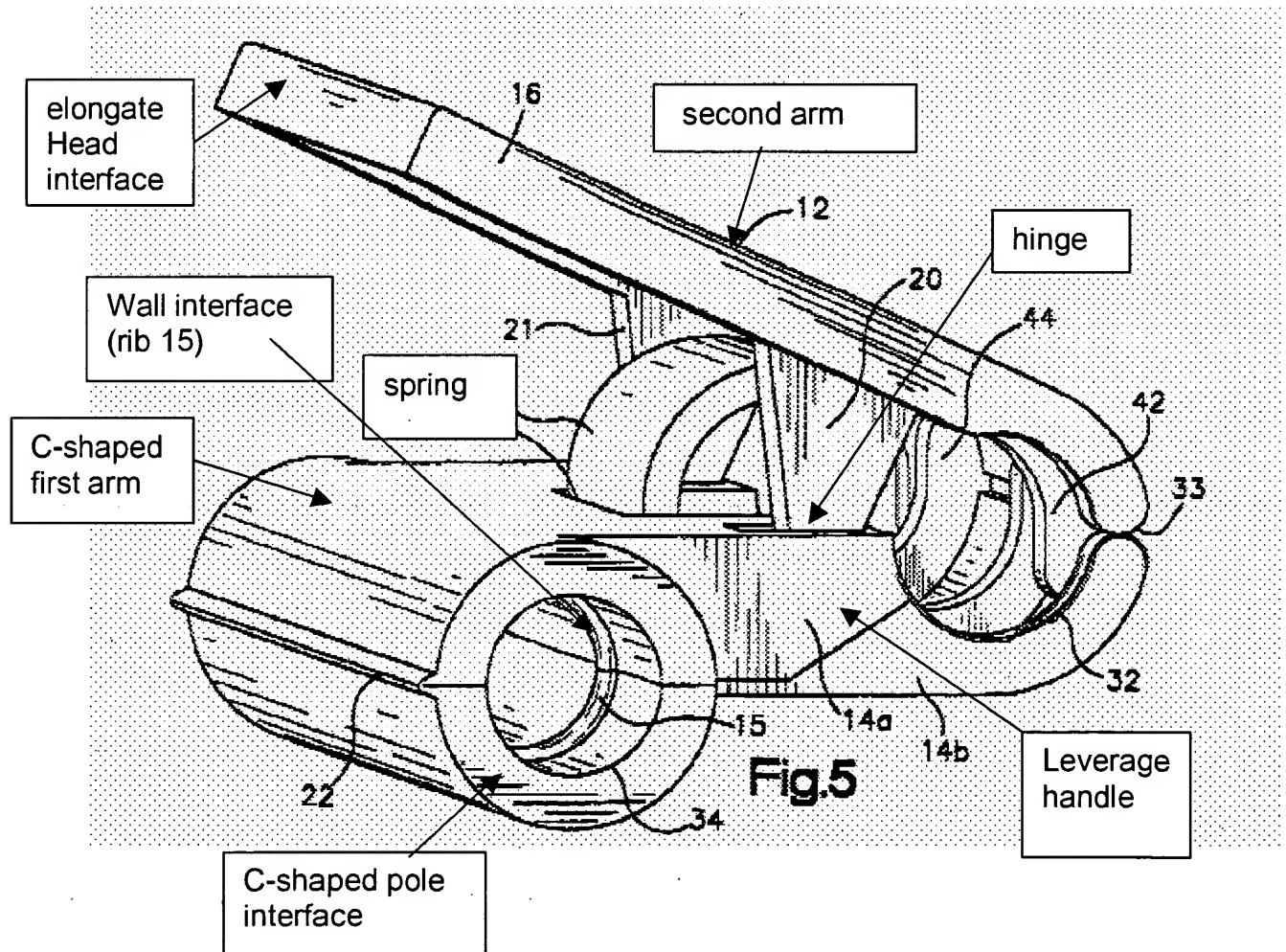


Regarding Walker, applicant's argument filed 4/18/2005 is not persuasive. It appears applicant misread the rejection. Applicant has misunderstood the previous Office rejection by stating that examiner's the pole interface was arm 44 which is inserted into the pole. However, examiner clearly illustrated by C-shaped pole interface as element 46, figure 3 which removably abuts the pole (22) wherein the biasing unit is capable of operation through the pole interface and head interface (34, figure 2) to suspend a partition mount position between the pole (22, figure 2) and the abutting surface (any adjacent surfaces of the car). Walker also shows the elongated head (44,

Art Unit: 3632

figure 3) extending transverse to the body (extending from 18b, figure 2 over the spring 40, figure 2).

Claims 1-4, 14-16, 19, 20, 22, 24-27, 30-32, 43, 45, 51, 52, 55, 63, 64 stand rejected under 35 U.S.C. 102(e) as being anticipated by Lassiter (US patent no. 6,523,231) as illustrated in the previous Office Action.



Regarding Lassiter, applicant's argument filed 4/18/2005 is not persuasive. Applicant's argument that Lassiter fail to teach the pole interface arranged to removably abut a side portion of the pole less than the entire perimeter of such side portion is not persuasive. Examiner equates a C-shaped portion of 34 as the pole interface which means that such pole interface only engages a C-shaped portion of the wire or pole and not the entire perimeter. Applicant's argument that when clamped, the Lassiter sleeve 34, 22, 14a is fixedly secured to the electric cord and is therefore no removably secured. Examiner respectfully disagrees. The cord can be unclamped from the sleeve and consequently constitutes removable abutment as claimed. Applicant's intended usage of suspending a partition mount is not accorded with patentable weight. Lassiter's device is capable of suspending a partition mount.

Allowable Subject Matter

Claims 6-10, 34-38, 41, 47-50, 58-61 are objected to as dependent from a rejected base claim.

Claim 65 is allowed.

Response to Arguments

Applicant's arguments filed 4/18/2005 have been fully considered but they are not persuasive as discussed above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3632

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 571-272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Korie H. Chan
Primary Examiner
Art Unit 3632

Khc
June 21, 2005